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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				KRAMER, JAMES A
ART UNIT		PAPER NUMBER		
		3627		

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/719,679	MUNDY, STEVE	
	Examiner James A. Kramer	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-46 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 17-25, 27-29 and 31-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al.

Williams et al. teaches an apparatus, system and method for online, multi-parcel, multi-carrier, multi-service enterprise parcel shipping management.

With respect to **Claim 1**, Williams et al. teaches offering shipping services to a user via a buyer interface of an electronic procurement system (see page 3, paragraph 0026 for buyer interface); enabling the user to purchase shipping services via the electronic procurement system; and returning a printable shipping label to the buyer interface (see page 3, paragraph 0024).

Examiner notes that Applicant fails to set forth a clear and definite definition for an electronic procurement system. Based on Applicant's specification and in particular the "Description of Related Art" Examiner interprets an electronic procurement system as a computerized system, within a company developed to alleviate the hassles that can be associated with maintaining a business procurement policy and to maximize access to data regarding business purchases (Specification, page 2, paragraph 0008, lines 1-3). Examiner notes that the system of Williams et al. meets this interpretation (for example see page 3, paragraph 0029).

With respect to **claim 2**, Williams et al. teaches wherein the shipping services are outbound shipping services (for example see page 2, paragraph 0017, lines 1-7). Examiner notes that parcel shipping management of Williams et al. clearly includes outbound shipping services.

With respect to **Claim 3**, Williams et al. teaches wherein the shipping services are for shipping a package from a location of the user to a second location (for example see page 12, line paragraph 0216 through page 13, paragraph 0251). Examiner notes that this represents shipping the item to a destination (second location) from an origin (location of the user).

With respect to **Claim 4**, Williams et al. teaches wherein the shipping services are for shipping a package from the user's location to a second location (for example see page 12, line paragraph 0216 through page 13, paragraph 0251). Examiner notes that this represents shipping the item to a destination (second location) from an origin (location of the user).

With respect to **Claim 5**, Williams et al. teaches wherein at least one commodity is offered for sale via the electronic procurement system in addition to the shipping services (see page 1, paragraph 0006). Examiner notes in this example a replacement part (i.e. commodity) is for sale via the electronic procurement system and requires shipping.

With respect to **Claim 6**, Williams et al. teaches wherein the electronic procurement system enables an employer of the user to create a list of suppliers from whom the user can make purchases (see page 9, paragraphs 0149-0150).

With respect to **Claim 7**, Williams et al. teaches wherein the shipping services are offered at a price negotiated between an employer of the user and a shipping carrier (see page 3, paragraph 0027 and page 9, paragraph 0151).

With respect to **Claim 8**, Williams et al. teaches wherein the price is stored in the electronic procurement system (see page 9, paragraphs 0149-0152). Examiner notes that price set by the Administrator in the system represents Applicant's storing the price in the electronic procurement system.

With respect to **Claim 9**, Williams et al. teaches wherein the electronic procurement system records purchases made by the user (see for example page 9, paragraph 0153 and 156). Examiner notes that the ability to generate management summary reports and activity reports at the user level represents the fact that the system must record purchases made at the user level (i.e. by the users).

With respect to **Claim 10**, Williams et al. teaches wherein the electronic procurement system records purchases made by an organization within a company of which the user is a member (see for example page 9, paragraph 0153 and 156). Examiner notes that the ability to generate management summary reports and activity reports at the group level represents the fact that the system must record purchases made at the group level. Further, Williams et al. teaches a

hierarchical structure within an organization (see page 2, paragraph 17) which teaches that the group level clearly represents an organization within a company of which the user is a member.

With respect to **Claim 11**, Williams et al. teaches wherein the electronic procurement system is operable to generate reports based on purchases made by the user using the electronic procurement system (see for example page 9, paragraph 0153 and 156). Examiner notes that the ability to generate management summary reports and activity reports at the user level represents the fact that the system must record purchases made at the user level (i.e. by the users)..

With respect to **Claim 12**, Williams et al. teaches wherein the reports show purchase data at the organization level (see for example page 9, paragraph 0153 and 156). Examiner notes that the ability to generate management summary reports and activity reports at the group level represents the fact that the system must record purchases made at the group level. Further, Williams et al. teaches a hierarchical structure within an organization (see page 2, paragraph 17) which teaches that the group level clearly represents an organization within a company of which the user is a member.

With respect to **claim 13**, Williams et al. teaches wherein the reports show purchase data at the user level (see for example page 9, paragraph 0153 and 156). Examiner notes that the ability to generate management summary reports and activity reports at the user level represents the fact that the system must record purchases made at the user level (i.e. by the users).

With respect to **Claim 14**, Williams et al. teaches providing a selectable list of suppliers to a user via a buyer interface of an electronic procurement system, at least one of the suppliers being a shipping carrier; and offering shipping services to the user via the electronic procurement system upon the user selecting the shipping carrier from the list of suppliers (see page 3, paragraph 0021). Examiner notes that the comparison array of Williams et al. represents Applicant's selectable list. Further, Examiner relies on the analysis of Claim 1, with respect to the electronic procurement system.

With respect to **Claim 15**, Williams et al. teaches enabling the user to purchase shipping services via the electronic procurement system (see page 3, paragraph 0021). Examiner notes that placing a shipping order represents purchasing shipping services.

With respect to **Claims 17 and 18**, Williams et al. teaches generating a shipping label; and returning a shipping label to the buyer interface; wherein the step of generating a shipping label comprises providing the ship to address, and the level of service to a shipping carrier tracking application (see page 3, paragraphs 0020-0025).

With respect to **Claims 19 and 20**, Williams et al. teaches wherein the electronic procurement system comprises a buyer procurement server, a shipping carrier procurement services server and a commerce services server (see Figure 3). Examiner notes that the Enterprise User Computers represent buyer procurement server. Further the system data center

represents commerce services server and the carriers' servers represent shipping carrier procurement services server.

With respect to **Claims 21 and 22**, Williams et al. teaches sending user data from the buyer procurement server to a commerce services server and sending user data from the commerce services server to the shipping services procurement server upon user selecting the shipping carrier from the list of suppliers (see Figure 3 and page 6, paragraphs 0101 through 0109).

Examiner notes the Enterprise User Computers (8a-8n) represent Applicant's buyer procurement server. Additionally, the Firewall/Proxy servers (21a-21k) represent Applicant's commerce servers, as all information from the Enterprise user/buyer is filtered through these servers. Finally, the Web Farm (21m-21r) represents Applicant's shipping services procurement server (see page 6, paragraph 0101, lines 4-8)

Examiner further notes that user information is passed from the Enterprise system (buyer procurement servers) through the firewall/proxy servers (commerce servers) to the System (shipping services procurement server) in order to rate a shipment and thus allow selection by the user of the shipping company (see 8. Shipment Rating starting on page 13, paragraph 0252).

With further respect to **claims 21 and 22**, Williams et al also teaches sending a startup URL from the shipping carrier procurement services application to the buyer procurement application (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 23**, Williams et al. teaches wherein the user data comprises: a user identifier, a buyer company identifier, a return URL and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 24**, Williams et al. teaches sending transaction data to the buyer procurement server from the shipping carrier procurement services server, the data being sent to location referred to by the return uniform resource locator (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner notes, as was discussed with respect to claim 23, the create a link feature returns transaction information embedded in a URL to the users.

With respect to **Claim 25**, Williams et al. teaches wherein the user data further comprises: a unique buyer key; and a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the

shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 27**, Williams et al. teaches wherein the user data comprises: a user identifier; a buyer company identifier; a return uniform resource locator; and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 28**, Williams et al. teaches wherein the user data further comprises: a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 29**, Williams et al. teaches wherein the user data further comprises: a unique buyer key, and a unique supplier key, the unique buyer key being sent from the procurement server to the commerce services server and the unique supplier key being sent

from the commerce services server to the shipping carrier procurement services server (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing a buyer key. Examiner notes that these rules further include shipper identifiers which identify the shippers available to a particular user.

With respect to **Claim 31 and 32**, Williams et al. teaches wherein the startup uniform resource locator contains embedded values comprising a user identifier, a buyer company identifier, and a session identifier. (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner once again notes that the PID represents the session identifier, which relates back the the logged in user and buyer company and as such includes that information embedded in the URL.

With respect to **Claim 33**, Williams et al. teaches directing a browser application on the buyer interface to the startup uniform resource locator (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 34**, Williams et al. teaches enabling the user to specify package shipping data including a ship to address, a package weight, and a level of service (see page 21, paragraph 0347).

With respect to **Claim 35**, Williams et al. teaches providing a selectable list of suppliers to a user logged in to an electronic procurement application, at least one of the suppliers being a shipping carrier; offering shipping services to the user upon the user selecting the shipping carrier from the list. (see analysis of Claim 14).

With respect to **Claim 36**, Williams et al teaches receiving a request for shipping services made from a buyer interface of an electronic procurement system; and returning a shipping label to the buyer interface. (see analysis of Claim 1)

With respect to **Claim 37**, Williams et al. teaches purchasing shipping services via an electronic procurement system. (see analysis of Claim 1).

With respect to **Claim 38**, Williams et al. teaches a buyer interface communicatively connected to a network; a buyer procurement server communicatively connected to the network, the buyer procurement server configured to offer shipping services to a user accessing the buyer interface; and a shipping carrier procurement services server communicatively connected to the network, the shipping carrier procurement services server being configured to respond to a request for shipping services from the user by sending an electronic shipping label to the buyer interface. (see analysis of Claim 19 - 21)

With respect to **Claim 39**, Williams et al. teaches a commerce services server communicatively connected to the network, the commerce services server configured to accept a

request for shipping services from the buyer procurement server and forward that request to the shipping carrier procurement services server. (see analysis of Claim 19 - 21)

With respect to **Claim 40**, Williams et al. teaches a shipping carrier procurement services server configured to receive a request for shipping services made from a buyer interface of an electronic procurement system and configured to generate and return an electronic shipping label to the buyer interface. (see analysis of Claims 19-21)

With respect to **Claim 41**, Williams et al. teaches a shipping carrier tracking application configured to accept a request for a shipping label from the shipping carrier procurement services server, generate a shipping label, and send the shipping label to the shipping carrier procurement services server (see page 25, paragraph 0429 through page 27, paragraph 0445).

With respect to **Claims 42 and 43**, Williams et al. teaches wherein the shipping carrier procurement services server is configured to send a total amount for shipping services to a buyer procurement application and further comprising: a shipping carrier billing application configured to accept a request for a total shipping amount from a shipping carrier procurement services server, calculate a total shipping amount, and send the total shipping amount to the shipping carrier procurement services server. (see the section on Rating starting on page 13, paragraph 0252). Examiner notes that Rating a Shipment represents determining the cost.

With respect to **Claim 44**, Williams et al. teaches wherein the shipping carrier procurement services server is configured to send a startup uniform resource locator to the buyer interface upon the server receiving the request for shipping services. (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 45**, Williams et al teaches wherein the shipping carrier procurement services server is configured to receive package shipping data from the buyer interface (see page 13, paragraph 0253).

Examiner notes that information necessary to price shipment of a package represents Applicant's package shipping data.

With respect to **Claim 46**, Williams et al. teaches wherein the electronic shipping label returned to the buyer interface includes one or more elements of the package shipping data (see Figure 2). Examiner notes that "Ship To" represents one or more elements of package shipping data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. in view of.

With respect to **Claim 16**, Williams et al. does not teach generating data formatted to program an radio frequency identification (RFID) tag; returning data formatted to program an radio frequency identification (RFID) tag to the buyer interface.

Monico teaches encoding an RFID tag with shipping and tracking data in order to provide a simple, yet effective method which allows ready and accurate shipping and tracking of a product in an inexpensive manner (see column 2, lines 44-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the shipping label of Williams et al. to include an RFID tag as taught by Monico. One of ordinary skill in the art would have been motivated to modify the reference in order to provide a simple, yet effective method which allows ready and accurate shipping and tracking of a product in an inexpensive manner.

Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al.

With respect to **Claims 26 and 30**, Williams et al. teaches does not specifically teach passing the user information via XML. However, Williams does teach passing the information via a Web Shipper Client over the Internet (see page 6, paragraph 0107). Further Williams teaches the use of XML in web applications in order to meet the requirements of a users system (see page 6, paragraph 0110).

It would have been obvious to one of ordinarily skill in the art at the time of the invention send the user information of Williams et al. via XML in order to meet the requirements of any user's system that accepts XML.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer 6/10/05
James A. Kramer
Examiner
Art Unit 3627

jak